

# **EXHIBIT 1**

STATE OF NEW YORK  
COUNTY OF ALBANY COUNTY COURT

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

SCI NO.  
14-495

JOHN TIGHE,

Defendant.

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**P L E A**

BEFORE: HON. PETER A. LYNCH,  
Albany County Court Judge

APPEARANCES:

For the People: HOLLY TREXLER, ESQ.  
90 State Street  
Suite 1400  
Albany, NY 12207  
Special Prosecutor

For the Defendant: LEE C. KINDLON, ESQ.  
74 Chapel Street  
Albany, NY 12207

JOHN TIGHE, in person.

TRANSCRIPT OF PROCEEDINGS in the above-entitled matter  
held in Albany County Court, Albany County Judicial Center,  
6 Lodge Street, Albany, New York, on Wednesday, November 5,  
2014.

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1 (Proceedings commenced at approximately  
2 9:05 a.m. as follows:)

3 THE COURT: John Tighe. This is the matter of  
4 People of the State of New York against John Tighe. Are  
5 you John Tighe, sir?

6 THE DEFENDANT: Yes I am.

7 THE COURT: Counsel, would you put your  
8 appearances on the record please.

9 MR. KINDLON: Lee Kindlon, 74 Chapel Street,  
10 Albany, New York, on behalf of John Tighe.

11 MS. TREXLER: Holly Trexler for the People.

12 THE COURT: Before we get going on this matter  
13 I've had a conference with counsel and it appears that the  
14 alleged victim in this matter is the NXIVM organization,  
15 that's N-X-I-V-M, and I disclosed to counsel that  
16 approximately ten years or so ago I did do some legal  
17 research for that group for a brief period of time of  
18 maybe a month or two and as a result of having previously  
19 represented that entity, which is the alleged victim in  
20 this case, I've advised counsel that I'm going to  
21 disqualify myself from this case subject to remittal,  
22 which I have discussed with counsel and asked counsel to  
23 speak with Mr. Tighe outside of my presence. Mr. Kindlon.

24 MR. KINDLON: Thank you, Your Honor. I had the  
25 opportunity to speak to my client about a potential

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1 conflict. We would waive any conflict and ask that Your  
2 Honor sit over this case.

3 THE COURT: Is that correct, sir?

4 THE DEFENDANT: Yes.

5 THE COURT: Ms. Trexler, do you also waive any  
6 potential conflict?

7 MS. TREXLER: Absolutely.

8 THE COURT: Then I'll entertain the case and  
9 counsel put the proposal on the record.

10 MS. TREXLER: Your Honor, the People are  
11 prepared to offer a plea to computer trespass in violation  
12 of Section 156.10(2) of the Penal Law of the State of New  
13 York, a class E felony. Should Mr. Tighe enter a plea of  
14 guilty to said charge, we would recommend, with the  
15 Court's consent, a sentence of one year in the Albany  
16 County Correctional Facility, waiver of his right to  
17 appeal and cooperation against others in the investigation  
18 as well as a conditional discharge to stay away from the  
19 members of this organization.

20 THE COURT: A conditional discharge or order of  
21 protection?

22 MS. TREXLER: Well, the organization is vast,  
23 Your Honor, so maybe just the officers of the  
24 organization.

25 THE COURT: Well, I suggest that you create an

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1 order of protection specific to what your request is.

2 MS. TREXLER: Okay. Fair enough.

3 THE COURT: Mr. Kindlon.

4 MR. KINDLON: Your Honor, that is the offer as  
5 we understand it. I've had a lot of time to talk to  
6 Mr. Tighe about the case, the facts against him, any  
7 potential defenses, the sentence, and any cooperation.  
8 And given all that, Your Honor, he is willing to waive all  
9 of his rights and proceed forward with the plea today.

10 THE COURT: Is that correct, sir?

11 THE DEFENDANT: Yes.

12 THE COURT: Before I can accept your guilty plea  
13 I do have to ask you a series of questions so the clerk of  
14 the court will swear you in.

15 (The defendant was sworn.)

16 THE COURT: Okay. Can you tell me your full  
17 name for the record please?

18 THE DEFENDANT: John Joseph Tighe.

19 THE COURT: How old are you?

20 THE DEFENDANT: 57.

21 THE COURT: What is your date of birth?

22 THE DEFENDANT: 7/20/57.

23 THE COURT: And your address?

24 THE DEFENDANT: 496 Rowland Street, Building 6,  
25 Apartment 4, Ballston Spa, New York 12020.

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1 THE COURT: What is the highest grade that you  
2 completed in school?

3 THE DEFENDANT: High school. I graduated.

4 THE COURT: Do you have any problem  
5 understanding or reading the English language?

6 THE DEFENDANT: As long as I have my reading  
7 glasses I can read it.

8 THE COURT: Do you understand the proposed plea  
9 agreement that counsel just put on the record a moment  
10 ago?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Is that what you'd like to do?

13 THE DEFENDANT: Yes.

14 THE COURT: Are you a citizen of the United  
15 States?

16 THE DEFENDANT: Yes, I am.

17 THE COURT: Okay. Do you understand that you do  
18 have the right to have your case presented to a grand jury  
19 and the further right to be prosecuted by means of an  
20 indictment filed by a grand jury?

21 THE DEFENDANT: Yes. I waive those rights.

22 MR. KINDLON: He understands he has those  
23 rights. He's willing to waive them, Judge.

24 THE COURT: Here's how this is going to work.  
25 All I want you to do is listen to one question at a time,

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1           answer the question and then I'll move on to the next  
2           question. There's a whole series of questions that I'm  
3           going to ask you. Can we agree on that?

4                   THE DEFENDANT: Yes.

5                   THE COURT: And do you understand that you have  
6           the right to testify before that grand jury and the  
7           further right to ask the grand jury to listen to witnesses  
8           that you identify?

9                   THE DEFENDANT: Yes.

10                  THE COURT: It is my understanding that you are  
11           desirous of giving up those grand jury rights and that you  
12           consent to be prosecuted by means of a superior court  
13           information which is a charge drawn up by the special  
14           prosecutor.

15                  THE DEFENDANT: Yes.

16                  THE COURT: Is that what you would like to do?

17                  THE DEFENDANT: Yes.

18                  THE COURT: And do you understand that this  
19           superior court information has the same legal effect as if  
20           it were an indictment charging you with computer trespass  
21           as a class E felony?

22                  THE DEFENDANT: Yes.

23                  THE COURT: I'm going to provide to you and your  
24           attorney a written waiver of indictment. If you  
25           understand it and agree to be bound by it, I'd ask that

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1           you sign it.

2                     (Short suspension of proceedings.)

3           THE COURT: Sir, is that your signature on the  
4 waiver of indictment?

5           THE DEFENDANT: Yes, it is.

6           THE COURT: You understand it and agree to be  
7 bound by it?

8           THE DEFENDANT: Yes.

9           THE COURT: Let the record reflect I've signed  
10 the order approving the waiver of indictment. And,  
11 Mr. Kindlon, do you acknowledge receipt and waive a formal  
12 reading of the superior court information?

13          MR. KINDLON: Yes, Your Honor, I do.

14          THE COURT: Sir, do you understand that with  
15 respect to the charges against you, that you do have a  
16 constitutional and an absolute right to remain silent?

17          THE DEFENDANT: Yes.

18          THE COURT: Clearly by speaking with me and  
19 entering a guilty plea you are giving up your right to  
20 remain silent and you are incriminating yourself. Do you  
21 understand that?

22          THE DEFENDANT: Yes.

23          THE COURT: In the last two days have you  
24 consumed any alcohol or medication?

25          THE DEFENDANT: I take eight medications a day



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1 under a doctor's prescription.

2 THE COURT: Does that medication affect your  
3 ability to think clearly?

4 THE DEFENDANT: No.

5 THE COURT: Are you thinking clearly here today?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you believe that this plea  
8 agreement is in your best interest?

9 THE DEFENDANT: Yes.

10 THE COURT: Now, have you had a full opportunity  
11 to speak with your attorney about all of the relevant  
12 issues in your case, about the evidence that the  
13 prosecution has against you and about any possible  
14 defenses that you may have?

15 THE DEFENDANT: Yes.

16 THE COURT: Are you satisfied with the legal  
17 representation that Mr. Kindlon has provided to you?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand that you do have  
20 an absolute right to go to trial on these charges either  
21 before a jury or a non-jury trial before the Court?

22 THE DEFENDANT: Yes.

23 THE COURT: Now, at a trial the burden of proof  
24 is on the prosecution to prove your guilt beyond a  
25 reasonable doubt and you are not required to prove or

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1 disprove anything. Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: At trial you have the right to  
4 confront, that is through your attorney the right to  
5 cross-examine, all witnesses. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: And although you're not required to  
8 do so, you do have the right to testify at trial if you  
9 wish and the further right to call witnesses to testify on  
10 your behalf. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Clearly if you plead guilty there's  
13 not going to be a trial and you waive, that is you give  
14 up, your right to any pretrial hearings, you give up all  
15 trial-related rights and you give up any defenses that you  
16 may have. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Now, has anyone threatened, coerced  
19 or forced you in any way to enter this plea?

20 THE DEFENDANT: No.

21 THE COURT: And are you pleading guilty of your  
22 own free will?

23 THE DEFENDANT: Yes.

24 THE COURT: Are you pleading guilty because you  
25 are in fact guilty of criminal trespass as charged?

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1 THE DEFENDANT: Yes.

2 MS. TREXLER: Computer trespass.

3 THE COURT: Excuse me. Computer trespass as  
4 charged. Do you understand?

5 THE DEFENDANT: Uh-huh.

6 THE COURT: Now, do you understand you're  
7 pleading guilty to a class E felony for which the maximum  
8 sentence is one and a third to four years in state prison?

9 THE DEFENDANT: Yes.

10 THE COURT: Now, as we've already discussed,  
11 when you do plead guilty you automatically forfeit the  
12 right to remain silent, the right to confront your  
13 accusers and the right to trial by jury. Do you  
14 understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Notwithstanding the automatic  
17 forfeiture of those rights upon a guilty plea, in the  
18 ordinary course you would still have the right to appeal  
19 your case to a higher court. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Here, however, the plea agreement  
22 requires, in addition to the waiver of your trial rights,  
23 that you also waive your right to appeal with respect to  
24 both the conviction and the sentence to be imposed as long  
25 as the sentence is in accord with the plea agreement. Do

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1           you understand that?

2                   THE DEFENDANT: Yes.

3                   THE COURT: And do you agree with that?

4                   THE DEFENDANT: Yes.

5                   THE COURT: In a moment I'm going to give you a  
6           written waiver of the right to appeal. Please review it  
7           with Mr. Kindlon. If you understand it and agree to be  
8           bound by it, I'd ask that you sign it.

9                   (Short suspension of proceedings.)

10                  THE COURT: Sir, is that your signature on the  
11           waiver of right to appeal?

12                  THE DEFENDANT: Yes, it is.

13                  THE COURT: Do you understand it and agree to be  
14           bound by it?

15                  THE DEFENDANT: Yes.

16                  THE COURT: I'm going to make that a part of the  
17           record of this proceeding. Now, subject to a presentence  
18           report, it is my current intent to abide by the plea  
19           agreement. So all things being equal at the time of  
20           sentencing, you'll receive a definite sentence of one year  
21           in the Albany County jail. Is that your understanding of  
22           the plea agreement?

23                  THE DEFENDANT: Yes.

24                  THE COURT: Now, the conditions on that sentence  
25           are, one, that you timely meet with probation in the

1 preparation of a presentence report and provide answers to  
2 their questions consistent with your guilty plea here  
3 today; two, that you not commit any further crime between  
4 now and the time of sentencing; three, that you comply  
5 with your cooperation agreement with the prosecutor; and,  
6 four, that you show up for sentencing.

7 If you comply with those conditions, all things  
8 being equal, you'll get the benefit of your plea agreement  
9 and the one year definite sentence. What you have to  
10 understand is if you violate one or more of those  
11 conditions, your plea of guilty would remain in full force  
12 and effect but the sentencing agreement would not and you  
13 could receive a sentence of up to one and a third to four  
14 years in state prison. Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: So other than my intent on  
17 sentencing that I've just described to you, has anyone  
18 made any other promise or representation to you in order  
19 to get you to plead guilty?

20 THE DEFENDANT: No.

21 THE COURT: Mr. Kindlon, are you satisfied that  
22 your client's desire to plead guilty and the waiver of his  
23 trial and appellate rights have all been knowingly,  
24 intelligently and voluntarily made?

25 MR. KINDLON: Yes, I am, Your Honor.

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1 THE COURT: Now, directing your attention to the  
2 superior court information, Mr. Tighe, do you admit that  
3 on the 4th day of November of 2010 at approximately  
4 9:35 p.m. at 80 State Street, 7th floor, in the City and  
5 County of Albany, State of New York, that you did  
6 knowingly access the computer network of NXIVM using a  
7 user name and a password of a former student without her  
8 permission or authorization and thereby you gained access  
9 to "lcontact.php." which contained a list of active  
10 participants and clients of NXIVM including contact  
11 information of those individuals?

12 THE DEFENDANT: Yes.

13 THE COURT: Did you do that?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand everything that  
16 we've done here today?

17 THE DEFENDANT: Uh-huh.

18 MR. KINDLON: Yes?

19 THE DEFENDANT: Yes.

20 THE COURT: How do you plea to the charge of  
21 computer trespass in violation of Penal Law  
22 Section 156.10(2), a class E felony, guilty or not guilty?

23 THE DEFENDANT: Guilty.

24 THE COURT: The Court will accept your plea.  
25 Mr. Kindlon, is January 7, 2015, convenient for

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1 sentencing?

2 MR. KINDLON: Yes.

3 MS. TREXLER: Your Honor, may I ask a couple  
4 questions?

5 MR. KINDLON: We need further allocution I  
6 believe.

7 THE COURT: Do you want to make a further  
8 allocution?

9 MS. TREXLER: Just a couple of questions,  
10 Mr. Tighe, if I could. Approximately, if you know, how  
11 many times did you access these servers with that user  
12 name and password?

13 THE DEFENDANT: Roughly 50 to 60.

14 MS. TREXLER: What user name and password were  
15 you using, sir?

16 THE DEFENDANT: I don't recall.

17 MS. TREXLER: Was it a password of [REDACTED]  
18 [REDACTED]?

19 THE DEFENDANT: Yes.

20 MS. TREXLER: And a user name of hers as well?

21 THE DEFENDANT: Yes.

22 MS. TREXLER: Did you have her permission to do  
23 so?

24 THE DEFENDANT: I was told I did but not from  
25 her.

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1 MS. TREXLER: You did not have it from [REDACTED]  
2 [REDACTED]; right?

3 THE DEFENDANT: No, I did not.

4 MS. TREXLER: Who else did you know was  
5 accessing the NXIVM servers using that user name and  
6 password?

7 THE DEFENDANT: I know Joe O'Hara told me  
8 firsthand that he was. I was told through Joe O'Hara that  
9 Toni Folet or Natale had access to it and I was told  
10 vaguely by Joe O'Hara that others did without being named,  
11 but when I asked him about Jim Odatto he said he had access  
12 to the same information I did without specifically saying  
13 he had access to the passwords.

14 MS. TREXLER: And you had no contact with  
15 Suzanna Andrews of Vanity Fair?

16 THE DEFENDANT: To the best of my knowledge, no.

17 MS. TREXLER: Thank you, Your Honor.

18 THE COURT: Okay. Sentencing is January 7,  
19 2015, at 9 a.m. What is your client's status?

20 MR. KINDLON: Your Honor, he has been released  
21 from Albany City Court on his own recog.

22 MS. TREXLER: He was.

23 THE COURT: He was released in his own  
24 recognizance?

25 MR. KINDLON: Your Honor, he's also on federal



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1           probationary pretrial release supervision.

2                   THE COURT: I'll continue that status subject to  
3           a Parker.

4                   MR. KINDLON: Thank you.

5                   (Short suspension of proceedings.)

6                   THE COURT: Sir, is that your signature on the  
7           Parker admonishment?

8                   THE DEFENDANT: Yes, it is.

9                   THE COURT: You understand it and agree to be  
10          bound by it?

11                  THE DEFENDANT: Yes.

12                  THE COURT: I'll make that part of the record.  
13          Your release is subject to the Parker. I'm going to give  
14          you the instructions to go down to probation. I want you  
15          to go down there this morning and give them your contact  
16          information. Make sure you cooperate with probation so  
17          you can get the benefit of your plea. That's it.

18                  MR. KINDLON: Thanks, Judge. Have a good day.

19                  (Proceedings concluded at approximately  
20          9:22 a.m.)

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C E R T I F I C A T I O N

I, AMY E. MACKENZIE, a Court Reporter and Notary Public  
in and for the State of New York, do hereby certify that  
the foregoing transcript in the above-entitled matter  
is a true and accurate transcript to the best of my  
knowledge and belief.

Amy E MacKenzie

DATED: November 6, 2014